


**M E M O R A N D U M**

September 13, 2013

TO: Planning, Housing, and Economic Development Committee

FROM: Jeff Zyontz,  Legislative Attorney

SUBJECT: Worksession #9 – Issues requested for review

The future PHED Committee schedule is as follows:

September 20: Wrap-up, including any outstanding implementation issues  
September 27: Wrap-up, continued if required

Future Council schedule:

October 11: Complete PHED recommended text and map online and notice of November 12 public hearing  
November 12: Public hearing on PHED text and map recommendations  
January: First Council worksession

The Committee's direction for staff from the September 13 worksession (only changes to the proposed draft are noted) are as follows:

- 1) Edit 8.1.3 to assure accuracy.
- 2) In §8.2.1, revise the application and findings required for the approval of an LMA for the Committee's consideration.
- 3) Move §5.1.3.E to the finding section for LMAs.
- 4) In §8.2.1.D.3.c.ii, delete the second sentence and add the provision from current code concerning oral argument.
- 5) In §8.2.2, delete "an error or omission in the findings of fact" as a reason for a corrective map amendment.
- 6) In §8.2.3, delete the provision for a petition for judicial review.
- 7) In §8.2.4, delete subsection F.
- 8) In §8.3.1, revise to allow a conditional use decision by the Hearing Examiner and an appeal to the Board of appeals if contested.

- 9) In §8.3.3, delete the provision for a petition for judicial review.
- 10) Delete §8.4.6; the Committee would not allow an administrative adjustment to zoning lines.
- 11) In §8.4.1, delete subsection B 1-6; Subsection E, and Subsection F.
- 12) In §8.4.3.B.3, provide more criteria for reduced fees for the Committee's consideration.
- 13) Delete §8.4.5 concerning sign installer licenses.

The follow section is a repeat of issues from the September 13 memorandum that were not considered by the Committee:

### ***Conditional Use (§8.3.1)***

#### Inherent effects as a reason for denial

As proposed, only non-inherent adverse effects would trigger a denial.<sup>1</sup> Current code and BOA allow the combination of non-inherent and inherent effects as grounds to deny a special exception:

#### 59-G-1.2.1. Standard for evaluation.

A special exception must not be granted without the findings required by this Article. In making these findings, the Board of Appeals, Hearing Examiner, or District Council, as the case may be, must consider the inherent and non-inherent adverse effects of the use on nearby properties and the general neighborhood at the proposed location, irrespective of adverse effects the use might have if established elsewhere in the zone. Inherent adverse effects are the physical and operational characteristics necessarily associated with the particular use, regardless of its physical size or scale of operations. Inherent adverse effects alone are not a sufficient basis for denial of a special exception. Non-inherent adverse effects are physical and operational characteristics not necessarily associated with the particular use, or adverse effects created by unusual characteristics of the site. **Non-inherent adverse effects, alone or in conjunction with inherent adverse effects, are a sufficient basis to deny a special exception.** [Emphases added]

The effect of the proposed change would be to allow more special exceptions than would be allowed under the current standard. The Council may use the current standard if it wishes to do so.

#### Need

A finding of neighborhood need is currently required for special exceptions for: gas station, motor car sales, vehicle rental lots, and swimming pools. A finding of County need is required for drive-in restaurants, funeral parlors, hotels, shooting ranges, solid waste facilities and conference centers. Need is a tricky concept when Maryland Courts have determined that it illegal (beyond the scope of the police power) to refuse zoning for the sole purpose of avoiding competition.<sup>2</sup> A finding of need is fundamentally the economic judgment of the applicant in a free market economy. The proposed code would eliminate the finding of need for any special exception. Proof of need has been a way to avoid a perceived over-proliferation of a use.

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<sup>1</sup> §8.23.1.E.1.g.

<sup>2</sup> Aspen Hill Venture v. Montgomery County Council, 265 Md. 303 (1972).

**Staff agrees with eliminating the need requirement.**

***Variance (§8.3.2)***

As proposed, the standards for granting a variance would be more lenient than the current code. The current code requires the following:

Sec. 59-G-3.1. Authority-Board of Appeals.

The board of appeals may grant petitions for variances as authorized in section 59-A-4.11(b) upon proof by a preponderance of the evidence that:

- (a) By reason of exceptional narrowness, shallowness, shape, topographical conditions, or other extraordinary situations or conditions peculiar to a specific parcel of property, the strict application of these regulations would result in peculiar or unusual practical difficulties to, or exceptional or undue hardship....

The proposed code would allow variance under a number of conditions:

E. Necessary Findings

To approve a variance, the Board of Appeals must find that:

- 1. One or more of the following unusual or extraordinary situations or conditions exist:
  - a. exceptional narrowness, shallowness, shape, topographical conditions, or other extraordinary conditions peculiar to a specific property;
  - b. the proposed development uses an existing legal nonconforming property or structure;
  - c. the proposed development contains environmentally sensitive features or buffers;
  - d. the proposed development contains a historically significant property or structure;
  - e. the proposed development substantially conforms with the established historic or traditional development pattern of a street or neighborhood; or
  - f. denying the variance would result in an inability to legally use the property.

Planning Staff believes that, as a general matter, variances should be granted more liberally to accommodate infill development without a need to resort to zoning text amendments.

The Council may use the current standard if it wishes to do so. **Staff recommends deleting subsections b, c, and d from the proposed draft.** These situations never **require** a variance.

***Site Plan (§8.3.4)***

General

The site plan process currently requires approval by the Planning Board based on a subjective standard. There are few absolute standards for buffering and screening residential communities. The Planning Board must find that a proposed plan achieves “a maximum of compatibility, safety, efficiency and attractiveness before it may approve a site plan.” Although a site plan must conform to prior approvals (project plan, sketch plan, preliminary plan), it does not need to conform to an applicable master plan.

In all but floating zones, the approval of a site plan can be avoided in every zone. Some site plan amendments may be approved administratively.

A site plan is more universally applicable in the proposed draft.<sup>3</sup> It is still a subjective approval, but the plan need “only” be compatible with existing, approved, or pending adjacent development. Substantial conformance with master plan recommendations would be required. There are standards in the proposed code for buffering, screening, and height setbacks for development. The proposed draft would continue to allow minor site plan amendments administratively.

Residents would want a requirement for site plan approval for development wherever non-residential or mixed-use zones abut R-60 or R-90 zoning. As proposed, such development would have height and setback requirements.

#### Timing for decision-making

Currently site plans are required to get to the Planning Board in 45 days. This requirement is achieved in an interesting way. Staff provides comments to the applicant in the review process. The applicant can retain the plan as submitted and go to the Planning Board with a staff recommendation to deny the site plan or revise the plan. The staff considers any change to the submitted site plan a new start to the 45 day clock.<sup>4</sup> Delays are sometimes due to the inaction of applicants. The proposed draft would require Board consideration of a site plan within 120 days.<sup>5</sup> If that is an absolute standard from the date the application is accepted, it would be a significant improvement over current processing times.

#### Decision-making process

In many jurisdictions, site plan approval is an administrative process (approved by staff without a public hearing). Prior approvals (master plan, preliminary plan) establish the discretionary aspects of development approval. **If the Council wants a more streamlined process, staff could approve site plans with the possibility of an appeal to the Planning Board** (similar to an accessory apartment application appeal of DHCA’s findings to the Hearing Examiner). This alternative would require changes to the findings necessary for approval. The findings would need to be objective, not subjective.

The Planning Board did not recommend the administrative approval of site plans. The Board did not wish to diminish the opportunity for public input in the development process. Aspects of a plan may be more objectionable to neighbors when only more detail is available. In the opinion of residents, the opportunities to comment at the master plan, sketch plan, and preliminary plan are insufficient. Neighbors change over time; aspects of the plan may change that make it less compatible.

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<sup>3</sup> §8.3.4.A.8.

<sup>4</sup> Of the 19 site plan applications submitted during FY12, 8 were approved within 6 months. Another 10 were completed within 12 months. Of the 25 site plan applications submitted during FY13, only 7 were completed within 6 months. Another 3 were completed within 12 months. Memorandum from Marc Pfefferle to Planning Board, September 4, 2013.

<sup>5</sup> §8.3.4.C.

## ***Notice standards (§8.5)***

### Newspaper

Newspaper advertisement for sectional map amendments and zoning text amendments are a requirement of the current code. It is not required by the Land Use Article. These requirements are retained in the proposed draft. Newspapers are no longer a universal means of communication. Newspaper circulation numbers (except for free papers) are at historic lows, as the internet and cable news sources have become far more popular.

### Application Notice v. Hearing Notice

The proposed code often requires both “individual application notice” and “individual hearing notice” for the same step in the process. **Whenever this occurs, the requirement of the application notice should be deleted.** Hearing notice in all cases will be within 5 days of an application. A repeat communication within 5 days would be wasteful.

### Notice in general

There are a number of instances where notice is required to homeowners and civic associations within a set distance of an application. A municipality should not be given less consideration than a civic association. **Staff recommends that whenever notice to a civic association is required, notice should also go to municipalities within that distance area.**

A request was also made to increase the radius of such notice to ½ mile. Staff does not agree with this recommendation.

### Notice of Sectional and District Map Amendments

Residents recommended the same notice requirements for sectional and district map amendments as local map amendments. **Staff does not recommend this additional notice.** Local Map Amendments are quasi-judicial; sectional map amendments are legislative in nature. In any event, posting signs on the subject property would be impossible.

## ***Grandfather provisions (§8.7)***

There is no legal requirement for grandfathering. As a matter of law, legally constructed buildings would still be legal, but they would be non-conforming uses that could not expand or rebuild if demolished for any reason. The theory is that the new code or zoning represents the best thinking of the Council as to what is in the public interest. Non-conforming uses and structures would be extinguished over time. There is a vested right to the use and structure that continues until a major event disrupts that right. Not all jurisdictions have grandfathering provisions to the extent existing in the County. Increased grandfathering extends the life of the prior code. There is less of a public policy reason to make ZTA and map changes as the extent of grandfathering increases.

ZTA 13-04 as introduced includes 7 pages of old and new text regarding grandfathering.<sup>6</sup> There is a preoccupation of avoiding making existing buildings non-conforming. Complex current provisions concerning pre-1958 property, the area of Takoma Park annexed into Montgomery County in 1997, and non-conforming uses created by post-1958 zoning ordinances are repeated. New provisions concern exemptions from the new code.

The overlapping nature of these provisions and their conditional application could employ attorneys for years to come. It will ensure that every zoning practitioner will have to keep every previously adopted zoning ordinance nearby to answer questions. It is and will continue to be an administrative nightmare for landowners, Planning Staff, and DPS. Staff believes that the core idea behind these provisions can be articulated with greater precision and hopefully without the need to reference the current code after some specified period of time.

The Planning Board indicated that, when drafting the grandfathering sections of the code, they had a simple and clear goal used by physicians; first do no harm. If the Council wants to start the new age of zoning, it can:

- 1) make every existing building, not subject to current enforcement actions, conforming without a requirement to consult prior codes;
- 2) allow every approved and pending plan submitted X months after the ordinance is approved (development plan, concept plan, project plan, sketch plan, preliminary plan, site plan, special exception, and building permit) to complete that approved plan without regard to the requirements of the new zone;
- 3) allow residential parcels and lots that have not changed in size or shape since 1958 to build a house on the lot or parcel without regard to the minimum lot size and frontage requirements in their new zone – setbacks could be match the setbacks of neighboring houses to avoid reference to prior codes;
- 4) allow some amount of expansion for non-residential properties (the lesser of 10 percent of the current building or 30,000 square feet of floor area) with only the applicability of the density and height standards of the new zone.<sup>7</sup>

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Staff assumes that the effective date on the rewrite would be 180 days after the Council's approval. That will give time for an applicant to submit plans in progress during the 180 days.

Staff would not be as permissive as the Planning Board regarding grandfathering. The Planning Board would allow an expansion of all building with plans approved (the lesser of 10% of gross floor area or 30,000 square feet) and all development on the ground under the current code for the next 15 years. Staff recommends allowing only existing development on non-residential zones to expand within the next 10 years under the current code.

To allow a more substantial expansion of small buildings, building industry representatives would want the ability to expand a minimum amount of floor area, even if that amounted to more than 10 percent of

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<sup>6</sup> ZTA 13-04, pages 8-44 to 8-50.

<sup>7</sup> According to Planning Staff, the height and density of the current zoning and master plan recommendations are the basis for the density and height in the proposed zoning. Using the proposed zone standards does not require going back to the current zoning ordinance.

the existing floor area. For example, a filling station with only 1,000 square feet may want to expand by 500 square feet. Five hundred feet is not a lot of floor area, but it is a large percentage increase. Staff did not recommend this change.

Building industry representatives would want the ability to proceed with any zoning application approved or filed and an option to amend their plans indefinitely. At a minimum, these representatives want the ability to amend plans for 15 years.

The building industry objects to special consideration for residentially zoned property if it is now used for residential purposes.

Staff is recommending a more restrictive approach. Staff has no problem with grandfathering current approved plans without limit, but if the private sector wants the opportunity to change, then at that point the public sector should have the opportunity to change requirements. If the Council believes the new code is in the public interest, it should apply to more situations and in less time than the Planning Board recommended.

Staff would propose the following alternative to the grandfathering provisions in ZTA 13-04 as introduced – additions and deletion from the draft in the September 13, 2013 packet are underlined for added text of bracketed for deleted text:

**A. Existing [Buildings] structures, site designs, and uses on [effective date]**

Structures and site designs existing on [effective date] are conforming and may be continued, renovated or repaired if the floor area and footprint of the building are not increased. Any structure or site design involuntarily damaged beyond repair by fire, wind, falling debris, water, other force of nature, or other event out of the control of the owner may be reconstructed.

Any use that was conforming or not non-conforming on [one day before effective date], and would otherwise be made non-conforming by the application of zoning on [effective date] is conforming, but may not expand.

**B. Zoning applications approved or filed for approval before [effective date]**

The Council, DPS, the Board of Appeals, and the Planning Board must review any development plan, schematic development plan, diagrammatic plan, concept plan, project plan, sketch plan, preliminary plan, record plat, site plan, special exception, variance, and building permit filed or approved before [effective date] under the standards and procedures of the Zoning Ordinance in effect [one day before the effective date]. The approval of any of these steps in the zoning process will allow the applicant to proceed through any other required step in the process under the standards and procedures of the Zoning Ordinance in effect [one day before the effective date].

Any structure or site design approved by the Council, the Planning Board, the Board of Appeals or DPS may be completed by the property owner under the terms of the plan approving the structure or site design.

Until [effective date plus 10 years], an applicant may apply to amend any previously approved zoning application (listed in B paragraph 1), in conformance to the development standards and procedures of the property's zoning on [effective date minus one], if the amendment;

- 1) does not increase the approved density or building height unless allowed under Section C; and
- 2) either:
  - a) retains at least the approved setback from residentially zoned property; or
  - b) satisfies the setback required by its zoning on or after [effective date].

Any structure or site [plan] design completed under this section is conforming and may be renovated or repaired. Any structure or site design involuntarily damaged beyond repair by fire, wind, falling debris, water, or other force of nature may be reconstructed.

### **C. Enlarging Approved Floor Area**

Until [effective date plus 10 years], an applicant for a site plan amendment or a building permit on land that is located in a Commercial/Residential, Employment, or Industrial zone and not in an overlay zone may increase the floor area on the site by the lesser of 10% of the gross floor area on the site on [effective date] or 30,000 square feet without following the procedural requirements and standards of the property's zoning on [effective date], if:

- 1) The building does not exceed the height limits and density of the zone in effect on [one day before effective date];
- 2) Any building on the site is no closer to residentially zoned property than any existing structure on the site on [effective date] or satisfy the setbacks of the new zoning; and
- 3) If site plan or site plan amendment is required by the property's zoning on [one day before the effective date], then a site plan or a site plan amendment is approved under the standards of site plan approval on [one day before the effective date].

### **D. Residential lots and parcels**

DPS [must allow a building on any residential lot] may issue a building permit for a one-family detached house on any residential or rural zoned lot identified on a plat recorded before {effective date} without regard to the area or dimension requirements of its current zoning.

A one-family detached dwelling unit, excluding a farm tenant dwelling and a farm tenant mobile home, on a lot, part of a lot, or on a parcel, that is involuntarily damaged beyond repair by fire, wind, falling debris, water, other force of nature, or other event out of the control of the owner may be reconstructed. may be reconstructed on its existing footprint or on a location that satisfies current setback requirements without regard to any area or dimension requirements of its current zone.

A one-family detached dwelling unit on a parcel, which has not changed in size or shape since June 1, 1958 may be constructed or reconstructed without regard to a minimum lot width at the front lot line.

A [building constructed] new or reconstructed one-family detached dwelling on any lot or part of a lot recorded before 1928 [may] must satisfy the side yard setbacks of the 1928 Zoning Ordinance. A new building must satisfy the established building line requirements if applicable.



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The Committee requested that the following items come back to the Committee:

- 1) For current parking lot districts, examine a parking alternative with no minimum parking requirement and an absolute maximum parking requirement.

Parking districts make public parking spaces available. Currently, a private developer's parking requirements can be completely avoided (no minimum parking) if the property owner pays an annual tax. A property owner can avoid the tax by providing the minimum required parking on-site. It is the property owner's option. The only problem with eliminating the minimum parking requirement is that if nothing else changes, no property owner would be subject to the tax. (If the minimum parking requirement is zero and the property provides zero parking spaces, then the owner has provided all of the required number of spaces and must not pay the tax.) The alternative to parking district taxes is to raise the price of parking for users sufficient to cover costs.

The Parking District has issued bonds based on its expected tax and fee revenue. There may be a problem in completely eliminating the parking tax on current parking tax payers.

- 2) Planning Staff was directed to work on the compatibility standards, rules for all zones, and building types to tie these things together better and be very clear about each.

Planning Staff recommends moving the revised compatibility standard to Section 4.1.6, preceding the tables with the development standards. Planning Staff also recommends clarifying height measurement when the rear or side of a building requires compliance with the compatibility standards. The height limit for compatibility standards under Section 4.1.6.B would be measured the same as under Section 4.1.6.C, except that the measurement is taken from the average grade along the building facing the applicable abutting or confronting property.

The full text of the Planning Staff recommendation is attached. (See © 1 – 2.)

- 3) Provide an objective standard for the amount of light from a sign that can be allowed on neighboring property.

Planning Staff recommends allowing no more than .5 footcandles at the edge of the property abutting residentially used property, based on the illumination standard for filling stations and open space lighting in the code.

Sign illumination must use an enclosed lamp design or indirect lighting from a shielded source [in a manner that prevents glare from beyond the property line] and be 0.5 footcandles or less at the property line;"

- 4) Draft amendments to the floating zone provision to limit the applicability of CRF and CRTF zones on R-90 and R-60 zoned property.

All changes to Floating zones recommended by Planning Staff are attached. (See © 3 – 16). Planning Staff, in response to the Committee's request, recommends the following as limitations to applying floating zones (the text for these changes may be found in topic #5 below):

For a residential detached floating zone (RDF) or a residential townhouse floating zone (RTF) – no locational requirement as long as 2 prerequisites in each category are met.

For an apartment floating zone (AF) or a commercial residential neighborhood floating zone (CRNF) – must front on a non-residential street or must confront or abut property not in an agricultural, rural residential or residential detached zone. (i.e., must confront or abut property in a townhouse, multi-unit or non-residential zone) and must satisfy 2 prerequisites in each category.

And for a commercial residential, commercial residential town, employment, or industrial floating zone (CRF, CRTF, NRF, GRF, LSCF, EOFF, ILF, IMF), must front on a non-residential street or must confront or abut property not in an agricultural, rural residential or residential zone. (i.e. must confront or abut property in a non-residential zone) and must satisfy 2 prerequisites in each category.

Planning Staff recommends amending the prerequisites as follows.

**Location** (any 2 at the option of the applicant)

At least 75% of the site must be within ½ mile of a Level 2 transit station/stop or 1 mile of a Level 1 transit station/stop.

The site must be served by existing water and sewer infrastructure that will not require either an upgrade to the service line or installation of a pump station due to the proposed development.

The site must be in a transitional location between existing Residential Multi-Unit, Residential Townhouse, or non-Residential zoning and Residential Multi-Unit, Residential Townhouse, or Residential Detached zoning.

The limits of disturbance for the development may not overlap any stream, floodplain, wetland, or environmental buffer on-site will not be adversely impacted by the development.

The project is age-restricted or senior housing, or if proposing development that may generate students, the site must not be in an area that is under moratorium due to school capacity or result in a school utilization rate greater than 120% because of the proposed development. For any site within 2 school clusters, only the portions of the site that satisfy this requirement can proceed. Age-restricted or senior housing automatically qualifies for this prerequisite.

**Circulation Network** (any 2 at the option of the applicant)

All streets, trails, and sidewalks, excluding lead walks to individual residential units, built as part of the development must be dedicated or placed under a public access easement available for general public use.

Except for detached houses, all parking, except on-street parallel parking, must be to the side of or behind buildings.

Surface parking, drive aisles, and driveways for the development must not cover more than 20% of the site.

The site has frontage on a nonresidential street. All streets accommodate through traffic; no streets terminate on the site.

The tract is adjacent to an existing pedestrian and bicyclist route that is at least 5 miles in length.

Planning Staff would also recommend modifying the commercial uses allowed for residential floating zones of a certain size to the CRN zone uses from the CRT zone uses and to CRT zone uses from the CR zone uses where applicable in Sec. 5.2.3. Staff agrees with this recommendation.

### ***Staff comment***

Planning Staff limits the possibility for commercial intrusion to the edge of residential areas (on a non-residential street or abutting a non-residential zone). That is a significant difference from ZTA 13-04 as introduced. It is still more permissive than the bar to non-residential floating zones in residential zones desired by some residents.

Planning Staff would retain the mix and match idea of prerequisite choices. There are 100 possible combinations of prerequisites that would allow a floating zone within residential neighborhoods for residential floating zones and non-residential zones on edge areas. Three of the 5 circulation “prerequisites” are not in fact prerequisites. The 3 circulation are post-requisites; they are aspects of the constructed project that are controlled by the developer not the location of the application.

**Staff recommends that non-residential floating zoning and apartment floating zones only apply on a residential zone when recommended by a master plan OR the property satisfies the following 3 criteria: the property is located 1) within 1 mile of a Level 1 transit station/stop; 2) on a non-residential street; and 3) abutting non-residentially zoned property.**

Staff notes that allowing a floating zone within ½ mile of a level 2 transit stop without any limitation would conflict with a provision made in the Purple Line Functional Plan. It included:

“There is no intent or desire to change the zoning in the single-family residential neighborhoods in and around the Wayne Avenue/Dale Drive intersection, if a station is established at this location in the future.”

**Planning Staff may wish to qualify their recommendation to at least exclude areas from floating zone applications any property where zoning changes are specifically not recommended in a master plan.**

- 5) Review the current code concerning lot area minimums or street classification to determine if those provisions should apply to some or all floating zones and make a recommendation concerning the addition of those limits to the proposed floating zone provisions.

Planning Staff recommends the following additional text:

- b. When requesting an Apartment Floating (AF) or Commercial Residential Neighborhood Floating (CRNF) zone for a property with a Residential base zone:

- i. The property must front on a nonresidential street or must confront or abut a property that is not in an Agricultural, Rural Residential, or Residential Detached zone; and
  - ii. The application must satisfy a minimum of 2 prerequisites for each of the categories under Section 5.1.2.D.
- c. When requesting a Commercial Residential Floating (CRF), Commercial Residential Town Floating (CRTF), any Employment Floating (NRF, GRF, EOFF, LSCF), or any Industrial Floating (ILF or IMF) zone for a property with a Residential base zone:
  - i. The property must front on a nonresidential street or must confront or abut a property that is not in an Agricultural, Rural Residential, or Residential zone; and
  - ii. The application must satisfy a minimum of 2 prerequisites for each of the categories under Section 5.1.2.D.

If the Council agrees with the staff recommendation concerning the prerequisite table, this text would be changed accordingly. Planning Staff did not recommend any change to the minimum lot size requirement for a floating zone.

- 6) Revise or delete the description of non-residential buildings (currently described as general buildings) in residential zones.

Each zone has its own standards for each building type. As a general matter, deleting the general building in residential zones will mean that the allowed non-residential uses in residential zones will have less street frontage, no FAR limit, and no parking setback.

Planning staff has an alternative to better describe its intent but to still have a non-residential building in residential zones with FAR, parking setback, and other limits (the same as limits that previously applied to general buildings). A non-residential building in a residential zone would have the follow explanatory text:

A nonresidential building is a building that accommodates only the permitted, limited, and conditional uses allowed in the applicable zone under Article 59-3, Uses and Use Standards. A nonresidential building has limits on FAR, larger setbacks, parking restrictions, and may have additional screening requirements. (See © 17 – 21 for this alternative.)

**Staff recommends retaining the limitations on non-residential buildings and retaining a non-residential building type.** If the Committee recommends deleting the non-residential building type in residential zones, Planning Staff would recommend the follow building description for residential buildings:

A detached building is a detached house containing one dwelling unit, or a building that accommodates only the permitted, limited, and conditional uses allowed in the applicable zone under Article 59-3, Uses and Use Standards. (See @ 22 – 26 for this alternative.)

- 7) Review the situation on an existing place of worship in the AR zone that would not meet the minimum lot size.

The clarification the Committee recommended for minimum lot size in the AR zone presents a unique problem for a non-compliant house of worship. Staff recommends the following amendment to Section 3.4.10:

**A. Defined**

Religious Assembly is a meeting area for religious practices, including a church, synagogue, mosque, convent, or monastery. Religious Assembly includes a memorial garden on the premises.

**B. Use Standards**

Where Religious Assembly is allowed as a limited use in the AR Zone, the following standards apply:

1. this use may be prohibited under Sec. 3.1.5, Transferable Development Rights.
2. this use is exempt from the minimum site area requirement for General Building in Sec. 4.2.5.A and the maximum density requirement of 1 lot per 25 acres for General Building in Sec. 4.2.5.B if the use existed in a building on the parcel on May 2, 2013 and the parcel has not changed in size or shape since May 2, 2013.

- 8) Evaluate the cost per public benefit point for CR and CRT zones.

This topic will be addressed on September 20. A memorandum from Mr. Sesker will be in the Committee's next packet.

When dealing with the CRT and CRN zone amendments (ZTA 11-01), the Committee (2-1, with Councilmember Floreen dissenting) recommended deleting all public benefit points for:

- through-block connections
- advanced dedication of master plan right-of-way
- way-finding
- adaptive building
- live/work units
- energy conservation
- energy generation
- vegetated wall
- tree canopy
- vegetated area
- vegetated roof
- cool roof
- recycling facility plan
- habitat preservation/restoration

In the opinion of the Committee majority, these benefits can be achieved through requirements rather than as an option. The Council rejected the recommendation to delete these benefits.

The Committee also recommended (2-1, with Councilmember Floreen dissenting) and the Council also rejected reduced points for the following benefits:

<b>Public Benefit</b>	<b>Points for CRT Zones</b>	<b>Points for CR Zones</b>
<i>Major Public Facility</i>	40 maximum	70 maximum
<i>Transportation Related Benefits</i>	20 maximum (for the next 3 benefits)	30 maximum (for the next 3 benefits)
Minimize parking auto mode share not >50%	15 points	20 point maximum
Transit Access improvement in addition to requirements in a Master Plan or Design guideline	5 maximum (based on cost or square footage)	5 maximum (based on cost or square footage)
Trip mitigation if in addition to min. parking that reduces auto mode share	5 maximum (mode share must be < 35%)	5 maximum (mode share must be < 50%)
<i>Public Benefits</i>		
Public Parking	20 maximum	20 maximum
Structured Parking	20 maximum	20 maximum
Off-site streetscaping	10 maximum	10 maximum
Child and Adult Care	15 Maximum (related to the square footage of the facility)	15 Maximum (related to the square footage of the facility)
<i>Place Making</i>		
Exceptional Design (including Tower setback)	10 Maximum	10 Maximum
Public Open Space – up to 15 (Provides a minimum of 50% more open space than required)	15 Maximum	15 Maximum
Historic Protection (based on cost or square footage)	15 Maximum	15 Maximum
Public Art (review by the Arts Council, and local review CABs, or CBD Advisory Board)	10 Maximum	10 Maximum
<i>Local business development and support</i>		
Small Business Opportunity (Community Benefits Agreement to reduce rents for local small business)	10 Maximum	10 Maximum

<b>Public Benefit</b>	<b>Points for CRT Zones</b>	<b>Points for CR Zones</b>
Neighborhood Retail (where > 10 small retail uses are within ½ mile – retail space provided must average 5,000 square feet or less and size must be retained for 25 years)	10 Maximum	10 Maximum
<i>Housing diversity</i>		
MPDUs	40 Maximum	40 Maximum
Dwelling Unit Mix (minimum percent of 3 and 4 bedroom units)	5 Maximum	5 Maximum
Enhanced Handicapped Accessibility	10 Maximum	10 Maximum
BLT Purchase		5 Minimum 30 Maximum
<i>Facades (CRT only)</i>	10 Maximum	
<i>Retained Buildings</i>	(Retain GFA / Incentive density) 50	(Retain GFA / Incentive density) 100

#### **Attachments**

Compatibility standards  
Floating zones  
General building alternative with “non-residential building”  
General building deleted from Residential zones

#### **Circle number**

1 – 2  
3 – 16  
17 – 21  
22 – 26

## Section 4.1.6. Compatibility Requirements

### A. Setback Compatibility

#### 1. Applicability

Section 4.1.6.A applies to a property in a R-90, R-60, R-40, Residential Townhouse, Residential Multi-Unit, Commercial/Residential, Employment, or Industrial zone that:

- abuts a property in an Agricultural, Rural Residential, or Residential zone that is vacant or improved with an agricultural or residential use; and
- proposes development of an apartment, multi use, or general building type.

#### 2. Setback Required along Side or Rear Lot Line

- The minimum side and rear setbacks equal either 1.5 times the minimum side and rear setback required for a detached house on the abutting property or the minimum side and rear setback required for a detached house on the abutting property as follows:

Zone	Building Type	Abutting Zone				
		Agricultural	Rural Residential	Residential Detached	Residential Townhouse	Residential Multi-Unit
R-90, R-60, R-40, Residential Townhouse	General	1.5	1.5	1.5	1.5	1.5
Residential Multi-Unit	Apartment, General	1.5	1.5	1.5	1.5	1
Commercial/Residential, Employment	Apartment	1.5	1.5	1.5	1.5	1
	Multi Use, General	1.5	1.5	1.5	1.5	1.5
Industrial	Multi Use, General	1.5	1.5	1.5	1.5	1.5

KEY: 1.5 = setback is equal to 1.5 times the minimum required for a detached house on abutting property

1 = setback is equal to the minimum required for a detached house on abutting property

- When screening is required under Division 7.6, if the screening width is greater than the minimum setback under Section 4.1.6.A.2, the minimum setback equals the required screening width.
- Front and side street setbacks are not modified by Section 4.1.6.A.2.

### B. Height Compatibility

#### 1. Applicability

Section 4.1.6.B applies to a property that:

- abuts or confronts a property in an Agricultural, Rural Residential, or Residential zone that is vacant or improved with an agricultural or residential use; and
- proposes development of a general building type in an Agricultural, Rural Residential, RE-2, RE-2C, RE-1, R-200, Residential Townhouse, or Residential Multi-Unit zone; or proposes any building type in a Commercial/Residential, Employment, Industrial, or Floating zone.

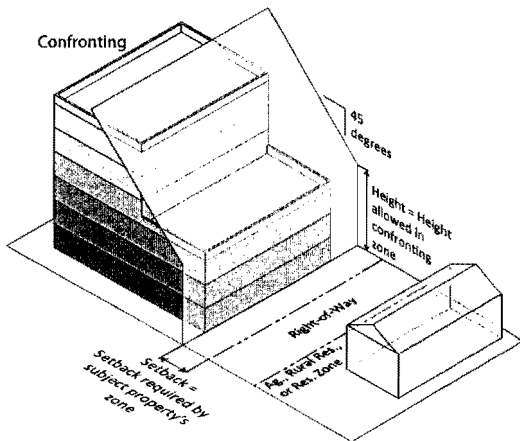
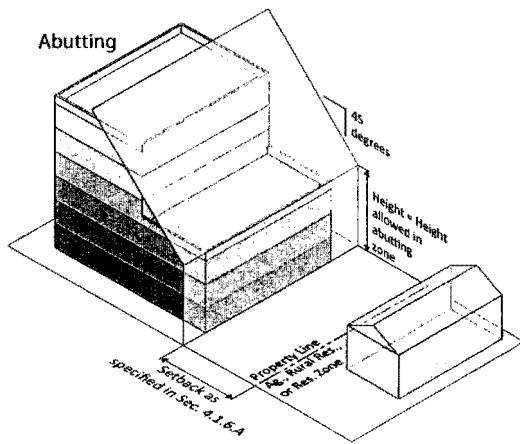
#### 2. Height Restrictions

- When the subject property abuts a property in an Agricultural, Rural Residential, or Residential zone that is vacant or improved with an agricultural or residential use, any structure may not protrude beyond a 45 degree angular plane projecting over the subject property, measured from a height equal to the height allowed for a detached house in the abutting zone at the setback line determined by Section 4.1.6.A.
- When the subject property confronts a property in an Agricultural, Rural Residential, or Residential zone that is vacant or improved with an agricultural or residential use, any structure may not protrude beyond a 45 degree angular plane projecting over the subject property, measured from a height equal to the height allowed for a detached house in the confronting zone at the front or side street setback line determined under Article 59-4.
- If not applicable under Section 4.1.6.B.1, the maximum height in the zone is not modified by Section 4.1.6.B.2.



### 3. Height Measurements

The height limit for compatibility standards under Section 4.1.6.B is measured the same as under Section 4.1.6.C, except that the measurement is taken from the average grade along the building facing the applicable abutting or confronting property.



# ARTICLE 59-2. ZONES

## Division 2.1. Zones Established

### Section 2.1.1. Requirements for All Zones

- A. Zones established in Article 59-2 must satisfy:
1. Definitions under Article 59-1;
  2. Use restrictions and use standards under Article 59-3;
  3. Development standards under Article 59-4;
  4. Optional method requirements under Article 59-6;
  5. General requirements under Article 59-7; and
  6. Review procedures under Article 59-8.
- B. Floating zones established in Article 59-2 must also satisfy Article 59-5.

### Section 2.1.2. Zoning Categories

The following zoning categories refer to particular sets of zones:

- A. Agricultural (abbreviated "Ag" in the Use Table),
- B. Rural Residential,
- C. Residential,
1. Residential Detached;
  2. Residential Townhouse; and
  3. Residential Multi-Unit.
- D. Commercial/Residential,
- E. Employment,
- F. Industrial,
- G. Overlay, and
- H. Floating
1. Residential Floating;
  2. Commercial/Residential Floating;

3. Employment Floating; and
4. Industrial Floating.

### Section 2.1.10. Floating Zones

#### A. Zones Established

##### 1. Residential Floating

- a. There are 3 Residential Floating zone classifications:
- i. Residential Detached - Floating (RDF),
  - ii. Townhouse - Floating (TF), and
  - iii. Apartment - Floating (AF).
- b. The RDF, TF, and AF zones will be applied on the Zoning Map by showing their zoning classification symbols followed by a number indicating the maximum allowed units per acre.

##### 2. Commercial/Residential Floating

- a. There are 3 Commercial/Residential Floating zone classifications:
- i. Commercial Residential Neighborhood - Floating (CRNF),
  - ii. Commercial Residential Town - Floating (CRTF), and
  - iii. Commercial Residential - Floating (CRF).
- b. The CRNF, CRTF, and CRF zones will be applied on the Zoning Map by showing their zoning classification symbols followed by the maximum allowed total, commercial, and residential densities and maximum allowed height.

##### 3. Employment Floating

- a. There are 4 Employment Floating zone classifications:
- i. General Retail - Floating (GRF),
  - ii. Neighborhood Retail - Floating (NRF),
  - iii. Employment Office - Floating (EOFF), and

iv. Life Sciences Center - Floating (LSCF).

b. The GRF, NRF, EOFF, and LSCF zones will be applied on the Zoning Map by showing their zoning classification symbols followed by the maximum allowed total density and maximum allowed height.

#### 4. Industrial Floating

a. There are 2 Industrial Floating zone classifications:

i. Light Industrial - Floating (ILF), and

ii. Moderate Industrial - Floating (IMF).

b. The ILF and IMF zones will be applied on the Zoning Map by showing their zoning classification symbols followed by the maximum allowed total density and maximum allowed height.

#### B. Intent Statement

The Residential Floating, Commercial/Residential Floating, Employment Floating, and Industrial Floating zones are intended to provide an alternative to development under the restrictions of the Euclidean zones mapped by Sectional Map Amendment (the Agricultural, Rural Residential, Residential, Commercial/Residential, Employment, Industrial, and Overlay zones). To obtain a Floating zone, an applicant must get approval of a Local Map Amendment under Section 8.2.1. ~~The review process provides substantial opportunities for analysis and public input to ensure compatibility with surrounding neighborhoods and development.~~ The intent of the Floating zones is to:

1. Implement comprehensive planning objectives by:

a. furthering the goals of the general plan, applicable master plan, and functional master plans;

b. ensuring that the proposed uses are in balance with and supported by the existing and planned infrastructure in the general plan, applicable master plan, and functional master plan staging, and applicable public facilities requirements; and

c. allowing design flexibility to integrate development into circulation networks, land use patterns, and natural features within and connected to the property; and

2. Encourage the appropriate use of land by:

a. providing flexible applicability to respond to changing economic, demographic, and planning trends that occur between comprehensive District or Sectional Map Amendments;

b. allowing various uses, building types, and densities as determined by a property's size and base zone to serve a diverse and evolving population; and

c. ensuring that development satisfies basic sustainability requirements including:

i. locational criteria,

ii. connections to circulation networks,

iii. density and use limitations,

iv. open space standards,

v. environmental protection and mitigation; and

3. Ensure protection of established neighborhoods by:

a. establishing compatible relationships between new development and existing neighborhoods through limits on applicability, density, and uses;

b. providing development standards and general compatibility standards to protect the character of adjacent neighborhoods; and

c. allowing design flexibility to provide mitigation of any negative impacts found to be caused by the new use.

~~a. implement the objectives of the general plan and applicable master plan;~~

~~b. provide flexibility in the planning and construction of development projects by allowing uses based on approved density and existing zoning while providing protections for abutting properties;~~

- c. ~~provide an environment within the layout of a site that contributes to a sense of community and creates a distinctive neighborhood character;~~
- d. ~~encourage the preservation and enhancement of natural amenities and cultural resources and ensure a minimum amount of open space;~~
- e. ~~provide for an efficient arrangement of land uses, buildings, circulation systems, and infrastructure; and~~
- f. ~~encourage infill projects and the development of sites made difficult for conventionally designed development because of shape, size, abutting development, poor accessibility, or environmental factors;~~

## 2. Residential Floating Zones

- a. ~~The Residential Floating zones (RDF, TF, and AF) are intended to allow development of primarily Residential uses with limited accessory commercial uses allowed to provide for daily needs of the community.~~
- b. ~~Building types, uses, density, height, and other standards and requirements are set by the zone. Development must also comply with the terms of the floating zone plan approved by the District Council.~~
- c. ~~The area of the lot or site determines maximum density. Other base criteria must be met to ensure adequate circulation, building relationships, amenities, and open space.~~

## 3. Commercial/Residential Floating Zones

- a. ~~The Commercial/Residential Floating zones (CRNF, CRTF, and CRF) are intended to allow development of mixed-use centers and communities at a range of densities and heights flexible enough to respond to various settings.~~
- b. ~~Uses are generally flexible to allow construction of retail, service, office and residential development appropriate to the site. For example, smaller sites will typically allow only basic retail services in small bays, whereas larger sites will allow larger commercial uses.~~
- c. ~~Building types, uses, density, height, and other standards and requirements are set by the zone. Development must also comply with the terms of the floating zone plan approved by the District Council.~~

- d. ~~Tract area determines maximum density. Other base criteria must be met to ensure adequate circulation, building relationships, amenities, and open space.~~

## 4. Employment Floating Zones

- a. ~~The Employment Floating zones (ERF, NRF, EOFF, and LSCF) are intended to allow development of mixed-use centers and communities, primarily with office uses, supporting housing, and accessory retail at a range of densities and heights flexible enough to respond to various settings.~~
- b. ~~Uses are restricted to ensure higher jobs-to-housing ratios, but flexible to allow some housing to support a portion of the proposed workforce and accessory retail to provide basic services to employees and residents.~~
- c. ~~Building types, uses, density, height, and other standards and requirements are set by the zone. Development must also comply with the terms of the floating zone plan approved by the District Council.~~
- d. ~~Tract area determines maximum density. Other base criteria must be met to ensure adequate circulation, building relationships, amenities, and open space.~~

## 5. Industrial Floating Zones

- a. ~~The Industrial Floating zones (ILF and IWF) are intended to allow development of industrial sites with primarily light manufacturing, warehouse, and related uses at a range of densities and heights flexible enough to respond to various settings.~~
- b. ~~Uses are restricted to industrial uses that provide employment and support economic diversity within the County, and limited ancillary housing.~~
- c. ~~Building types, uses, density, height, and other standards and requirements are set by the zone. Development must also comply with the terms of the floating zone plan approved by the District Council.~~

# ARTICLE 59-5. FLOATING ZONE REQUIREMENTS

## Division 5.1. In General

### Section 5.1.1. Zone Categories

There are 4 categories of Floating zones:

- A. Residential Floating zones (Division 5.2);
- B. Commercial/Residential Floating zones (Division 5.3);
- C. Employment Floating zones (Division 5.4); and
- D. Industrial Floating zones (Division 5.5)

### Section 5.1.2. Purpose

The purpose of the Floating zones is to:

- A. Implement comprehensive planning objectives by:
  - 1. ~~furtherring the goals of the general plan, applicable master plan, and functional master plans;~~
  - 2. ~~ensuring that the proposed uses are in balance with and supported by the existing and planned infrastructure in the general plan, applicable master plan, and functional master plan, and~~
  - 3. ~~allowing design flexibility to integrate development into circulation networks, land use patterns, and natural features within and connected to the property; and~~
- B. ~~Encourage the appropriate use of land by:~~
  - 1. ~~providing flexible applicability to respond to changing economic, demographic, and planning trends that occur between comprehensive District or Sectional Map Amendments;~~
  - 2. ~~allowing various uses, building types, and densities on sites determined by the property's size and base zone to serve a diverse and evolving population; and~~
  - 3. ~~ensuring that development satisfies basic sustainability requirements including-~~

~~a. locational criteria, connections to circulation networks, and~~

~~C. Ensure protection of established neighborhoods by:~~

- 1. ~~establishing compatible relationships between new development and existing neighborhoods through limits on applicability, density, and uses;~~
- 2. ~~providing development standards and general compatibility standards to protect the character of adjacent neighborhoods, and~~
- 3. ~~allowing design flexibility to provide mitigation of any negative impacts found to be caused by the new use.~~

### Section 5.1.2. Applicability and Approval Required

- A. A Floating zone must not be approved for property that is in an Agricultural or Rural Residential zone.
- B. If a Floating zone is recommended in a master plan, there are no prerequisites for an application.
- C. If a Floating zone is not recommended in a master plan, the following applies:
  - 1. The maximum allowed density is based on the base zone and on size of the tract as stated in Division 5.2 through Division 5.5.
  - 2. Residential Base Zone
    - a. When requesting a Residential Detached Floating (RDF) or Residential Townhouse Floating (TF) zone for a property with a Residential base zone:
      - i. If neither commercial uses ~~are requested and no~~ nor any increase in density above that allowed by the base zone is requested, there are no prerequisites for an application;
      - ii. If a commercial use or an increase in density above that allowed by the base zone is requested, the application must satisfy at least a minimum of 2 of the prerequisites for each of the following categories under Section 5.1.2.D.

- b. When requesting an Apartment Floating (AF) or Commercial Residential Neighborhood Floating (CRNF) zone for a property with a Residential base zone:
- The property must front on a nonresidential street or must confront or abut a property that is not in an Agricultural, Rural Residential, or Residential Detached zone; and
  - The application must satisfy a minimum of 2 prerequisites for each of the categories under Section 5.1.2.D.
- c. When requesting a Commercial Residential Floating (CRF), Commercial Residential Town Floating (CRTF), any Employment Floating (NRF, GRF, EOFF, LSCF), or any Industrial Floating (ILF or IMF) zone for a property with a Residential base zone:
- The property must front on a nonresidential street or must confront or abut a property that is not in an Agricultural, Rural Residential, or Residential zone; and
  - The application must satisfy a minimum of 2 prerequisites for each of the categories under Section 5.1.2.D.

② 3. Non-Residential Base Zone

When requesting a Floating zone for a property with a non-Residential base zone there are no ~~additional~~ prerequisites for an application.

## D. Prerequisites

Category	Prerequisite Choices
Location	At least 75% of the site must be within ½ mile of a Level 2 transit station/stop or 1 mile of a Level 1 transit station/stop.
	The site must be served by existing water and sewer infrastructure that will not require <u>either an upgrade to the service line or installation of a pump station</u> due to the proposed development.
	The site must be in a transitional location between existing Residential Multi-Unit, Residential Townhouse, or non-Residential zoning and Residential Multi-Unit, Residential Townhouse, or Residential Detached zoning.
Location	<u>The limits of disturbance for the development may not overlap any stream, floodplain, wetland, or environmental buffer on-site will not be adversely impacted by the development.</u>
	<u>The project is age-restricted or senior housing, or if proposing development that may generate students, the site must not be in an area that is under moratorium due to school capacity or result in a school utilization rate greater than 120% because of the proposed development. For any site within 2 school clusters, only the portions of the site that satisfy this requirement can proceed. <del>Age-restricted or senior housing automatically qualifies for this prerequisite.</del></u>
Circulation Network	<u>All streets, trails, and sidewalks, excluding lead walks to individual residential units, built as part of the development must be dedicated or placed under a public access easement, <del>available for general public use.</del></u>
	Except for detached houses, all parking, except on-street parallel parking, must be to the side of or behind buildings.
	Surface parking, drive aisles, and driveways for the development must not cover more than 20% of the site.
	<u>The site has frontage on a nonresidential street. All streets accommodate through traffic; no streets terminate on the site.</u>
	The tract is adjacent to an existing pedestrian and bicyclist route that is at least 5 miles in length.

### **Section 5.1.3. Approval**

- A. Application of a Floating zone requires approval of a Local Map Amendment under Section 8.2.1.
- B. A Floating zone application that meets the prerequisites and requirements in Article 59-5 may not be sufficient to require approval of the application.
- C. Amendments to a Floating zone once it has been applied to a property are restricted to the density and use limits that could have been approved — but were not requested — based on the previous base zone.

### **Section 5.1.4. Special Provisions for Properties in a Zone Under Article 59-9**

- A. Properties in a zone under Article 59-9 may be rezoned to a Floating zone in Article 59-5 as follows:
  - 1. The applicant must ~~propose~~ identify an equivalent Euclidean zone based on the subject property's existing use and density;
  - 2. ~~The~~ This equivalent Euclidean zone is the base zone that determines:
    - a. the prerequisites under Section 5.1.2 that apply;
    - b. the Floating zone that may be requested; and
    - c. any applicable land uses, building types, and development standards.
- B. Section 5.1.4 does not apply where Article 59-9 specifically prohibits rezoning to a new Floating zone.

2

## Division 5.2. Residential Floating Zones

### Section 5.2.1. Zones

- A. There are 3 Residential Floating zone categories.
- B. Residential Floating zones are mapped using the zone's initials followed by a number indicating the maximum allowed units per acre approved by a Local Map Amendment under Section 8.2.1:
  1. Residential Detached – Floating (RDF-#);
  2. Townhouse – Floating (TF-#); and
  3. Apartment – Floating (AF-#).

### Section 5.2.2. Purpose

The purpose of the Residential Floating zones is to:

- A. allow flexibility in residential development, including site layout, lot size, and placement;
- B. allow residential development of a certain size to provide limited accessory commercial uses for the daily needs of the community; and
- C. provide residential development that is compatible with the surrounding neighborhood.

### Section 5.2.3. Land Uses

#### A. Allowed Uses

Land uses are allowed in the Residential Floating zones as follows:

Floating Zone Category	Approved Density	All Uses Allowed
RDF	< 3 units/acre and < 150 total units	R-200
	< 3 units/acre and ≥ 150 total units	R-200, CRN
	≥ 3 units/acre and < 150 total units	R-90, R-60, R-40
	≥ 3 units/acre and ≥ 150 total units	R-90, R-60, R-40, <del>CRF</del> CRN

Floating Zone Category	Approved Density	All Uses Allowed
TF	< 12 units/acre and < 150 total units	TLD
	< 12 units/acre and ≥ 150 total units	TLD, CRN
	≥ 12 units/acre and < 150 total units	TMD, THD
	≥ 12 units/acre and ≥ 150 total units	TMD, THD, <del>CRF</del> CRN
AF	< 20 units/acre and < 150 total units	R-30, <del>CRN</del>
	< 20 units/acre and ≥ 150 total units	R-30, <del>CRF</del> CRN
	≥ 20 units/acre and < 150 total units	R-20, R-10, CRN
	≥ 20 units/acre and ≥ 150 total units	R-20, R-10, CRN

#### B. Use Provisions

1. In the Residential Floating zones the maximum area of the site for nonresidential uses is 25% and the maximum nonresidential density on that 25% of the site is 0.25 FAR.
2. The lot on which any approved commercial uses are located must be separated from the boundary of the tract included in the Local Map Amendment by residential lots or open space and must not share a lot line with any properties in a Residential zone not included in the Local Map Amendment.
3. An applicant may voluntarily prohibit specific uses or establish binding elements that restrict specific uses to support the necessary findings of approval under Section 8.2.1.



### Section 5.2.4. Building Types

A. Building types are allowed as follows:

	Detached House	Duplex	Town-house	Apartment	Multi Use Building	General Building
<b>Zone</b>						
RDF	A				S	A
TF	A	A	A		S	A
AF	A	A	A	A	S	A
<b>KEY</b>	A = Allowed    S = Subject to approval of commercial uses under Section 5.2.2					

B. An applicant may voluntarily prohibit specific building types or establish binding elements that restrict specific uses to support the necessary findings of approval under Section 8.2.1.

### Section 5.2.5. Development Standards

#### A. Density

##### 1. Residential Density

- If a Floating zone is recommended in a master plan, residential density must not exceed that recommendation, except where MPDUs above the minimum required or TDRs are provided.
- If a Floating zone is not recommended in a master plan the following residential density limits apply, calculated on site area:

Pre-Existing Euclidean Zone	Base Lot/ Site Size	Base Density in Units per Acre	Maximum Allowed Density in Units per Acre		
			Less than 3 times the base lot/site size	3 to <6 times the base lot/ site size	At least 6 times the base lot/site size
RE-2, RE-2C	2 acres	0.50	0.50	0.75	1.00
RE-1	40,000 SF	1.09	1.09	1.63	2.18
R-200	20,000 SF	2.18	2.18	3.27	4.36
R-90	9,000 SF	4.84	4.84	7.26	12.00
R-60	6,000 SF	7.26	7.26	10.89	14.52
R-40	4,000 SF	10.89	10.89	16.33	21.78

Pre-Existing Euclidean Zone	Base Lot/ Site Size	Base Density in Units per Acre	Maximum Allowed Density in Units per Acre		
			Less than 3 times the base lot/site size	3 to <6 times the base lot/ site size	At least 6 times the base lot/site size
TLD	20,000 SF	9.00	9.00	13.50	18.00
TMD	20,000 SF	12.00	12.00	18.00	24.00
THD	40,000 SF	15.00	15.00	22.50	30.00
R-30	12,000 SF	14.50	14.50	21.75	29.00
R-20	16,000 SF	21.70	21.70	32.55	43.40
R-10	20,000 SF	43.50	43.50	65.25	87.00

##### 2. Commercial Density

Commercial density, if allowed under Section 5.2.3, is limited to 0.25 FAR, calculated on 25% of the site's land area.

##### 3. Modifications by Applicant

An applicant may limit density below the maximum allowed by Section 5.2.5.A to support the necessary findings of approval under Section 8.2.1.

#### B. Setback and Height

- If a Floating zone is recommended in a master plan, height must not exceed that recommendation.
- Maximum height and setbacks are established by the floating zone plan.
- Height must satisfy the compatibility standards for the applicable building type under Section 4.1.6.B.

#### C. Lot Size

Minimum lot sizes are established by the floating zone plan.

#### D. Coverage

Minimum open space must be provided as a percentage of the site area as determined by the most intense building type approved and density in units per acre.

## Open Space Required

Building Type	Minimum Open Space Required Based on Units per Acre			
	1-19 units/acre	20-39 units/acre	40-59 units/acre	60+ units/acre
Detached House	0%	10%	10%	15%
Duplex	0%	10%	15%	20%
Townhouse	10%	15%	20%	25%
Apartment, Multi Use, or General Building	15%	20%	25%	30%

**E. General Requirements**

1. Parking, open space, recreation facilities, screening, and landscaping must be provided under Article 59-7 ~~according to~~ as required for the Euclidean zone that establishes uses under Section 5.2.3 for each applicable residential or commercial area.
2. The floating zone plan may provide for additional parking, open space, recreation facilities, screening, or landscaping or further restrict lighting to allow the District Council to make the necessary findings of approval under Section 8.2.1.

(1)

## Division 5.3. Commercial/Residential Floating Zones

### Section 5.3.1. Zones

- A. There are 3 categories of Commercial/Residential Floating zones.
- B. Commercial/Residential Floating zones are mapped using the zone's initials followed by the maximum allowed total, commercial, and residential densities and maximum allowed height as limited by Division 5.3.
1. Commercial Residential Neighborhood – Floating (CRNF# C# R# H#)
  2. Commercial Residential Town – Floating (CRTF# C# R# H#)
  3. Commercial Residential – Floating (CRF# C# R# H#)

### Section 5.3.2. Purpose

The purpose of the Commercial/Residential Floating zones is to:

- A. allow development of mixed-use centers and communities at a range of densities and heights flexible enough to respond to various settings;
- B. allow flexibility in uses for a site; and
- C. provide mixed-use development that is compatible with adjacent development.

### Section 5.3.3. Land Uses

- A. The following land uses are allowed in the Commercial/Residential Floating zones:
1. In the CRNF zones, only the uses allowed in the CRN zone are allowed.
  2. In the CRTF zones, only the uses allowed in the CRT zone are allowed.
  3. In the CRF zones, only the uses allowed in the CR zone are allowed.
- B. An applicant may voluntarily prohibit specific uses or establish binding elements that restrict specific uses to support the necessary findings of approval under Section 8.2.1.

### Section 5.3.4. Building Types Allowed

- A. Any building type is allowed in the Commercial/Residential Floating zones.
- B. An applicant may voluntarily prohibit specific building types or establish binding elements that restrict specific building types to support the necessary findings of approval under Section 8.2.1.

### Section 5.3.5. Development Standards

#### A. Density

1. If a Floating zone is recommended in a master plan, density must not exceed that recommendation.
2. If a Floating zone is not recommended in a master plan, the following density limits apply.

**Density Allowed**

Pre-Existing Euclidean Zone	Maximum Density Allowed in FAR Based on Size of Tract in Acres					
	Up to 0.5 acres		0.51 acres - 3.00 acres		Greater than 3 acres	
	Total Density	C or R Density	Total Density	C or R Density	Total Density	C or R Density
RE-2, RE-2c, RE-1, R-200	0.75 FAR	0.5 FAR	1.0 FAR	0.75 FAR	1.25 FAR	1.0 FAR
R-90, R-60, R-40, TLD, TMD, THD	1.0	0.75	1.25	1.0	1.5	1.25
R-30, R-20, R-10	1.25	1.0	1.5	1.25	1.75	1.5
CRN	1.0	0.75	1.25	1.0	1.5	1.25
CRT	2.0	1.5	3.0	2.0	4.0	3.0
CR	4.0	3.0	6.0	4.5	8.0	6.0
Employment	2.0	1.5	3.0	2.0	4.0	3.0
IL, IM	0.75	0.5	1.0	0.75	1.5	1.25

3. An applicant may limit density below the maximum allowed by Section 5.3.5.A to support the necessary findings of approval under Section 8.2.1.

#### B. Setback and Height

1. If a Floating zone is recommended in a master plan, height must not exceed that recommendation.
2. Maximum height and setbacks are established by the floating zone plan.
3. Height must satisfy the compatibility standards for the applicable building type under Section 4.1.6.B.

**C. Lot Size**

Minimum lot sizes are established by the floating zone plan.

**D. Coverage**

~~The minimum open space is the minimum open space required for the Euclidean zone that establishes uses under Section 5.3.2.A for each applicable building type.~~

**D. General Requirements**

1. Parking, recreation facilities, screening, and landscaping must be provided under Article 59-7 as required for the Euclidean zone that establishes uses under Section 5.3.3.
2. Open Space
  - a. ~~If no public benefits are required under Section 5.3.4.E, Public open space must be provided under Article 59-4 (for standard method) as required for the Euclidean zone that establishes uses under Section 5.3.3.~~
  - b. If public benefits are required under Section 5.3.4.E, open space must be provided under Article 59-6 (for optional method) as required for the Euclidean zone that establishes uses under Section 5.3.3.
3. The floating zone plan may provide for additional parking, open space, recreation facilities, screening, or landscaping or further restrict lighting to allow the District Council to make the necessary findings of approval under Section 8.2.1.

**E. Public Benefits****1. Public Benefits Required**

- a. Development above 1.0 FAR in the CRTF zone requires public benefits.
- b. Development above 0.5 FAR in the CRF zone requires public benefits.
- c. When public benefits are required by development in the Commercial/ Residential Floating zones, a sketch plan must be submitted under Section 8.3.3.

**2. Public Benefit Points and Categories Required**

- a. Public benefits under Division 6.6 must be provided according to zone and tract size or maximum total mapped FAR, whichever requires more public benefit points:

Zone	Tract Size OR Max Total FAR	Public Benefit Points (min)	Number of Benefit Categories (min)
CRTF	< 10,000 SF OR < 1.5 max FAR	25	2
	10,000 SF to < 1,250,000 SF OR 1.5 to < 3.5 max FAR	50	3
	≥ 1,250,000 SF OR ≥ 3.5 max FAR	75	4
CRF	< 10,000 SF OR < 1.5 max FAR	50	3
	10,000 SF to < 1,250,000 SF OR 1.5 to < 3.5 max FAR	100	4
	≥ 1,250,000 SF OR ≥ 3.5 max FAR	125	5

- b. In the CRF zone, the purchase of BLTs is required under Section 6.6.3.F.1.a.

## Division 5.4. Employment Floating Zones

### Section 5.4.1. Zones

- A. There are 4 categories of Employment Floating zones.
- B. Employment Floating zones are mapped using the zone's initials followed by the maximum allowed total density and maximum allowed height as limited by Division 5.4.
1. GENERAL RETAIL – FLOATING (GRF# H#)
  2. NEIGHBORHOOD RETAIL – FLOATING (NRF# H#)
  3. EMPLOYMENT OFFICE – FLOATING (EOFF# H#)
  4. LIFE SCIENCES CENTER – FLOATING (LSCF# H#)

### Section 5.4.2. Purpose

The purpose of the Employment Floating zones is to:

- A. allow development of commercial centers and communities, at a range of densities and heights flexible enough to respond to various settings.
- B. allow limited residential development and flexibility in uses for a site; and
- C. provide development that is compatible with adjacent development.

### Section 5.4.3. Land Uses

- A. The following land uses are allowed in the Employment Floating zones:
1. In the GRF zones, only the uses allowed in the GR zone are allowed.
  2. In the NRF zones, only the uses allowed in the NR zone are allowed.
  3. In the EOFF zones, only the uses allowed in the EOF zone are allowed.
  4. In the LSCF zones, only the uses allowed in the LSC zone are allowed.
- B. An applicant may voluntarily prohibit specific uses or establish binding elements that restrict specific uses to support the necessary findings of approval under Section 8.2.1.

### Section 5.4.4. Building Types Allowed

- A. Any building type is allowed in the Employment Floating zones.

- B. An applicant may voluntarily prohibit specific building types or establish binding elements that restrict specific building types to support the necessary findings of approval under Section 8.2.1.

### Section 5.4.5. Development Standards

#### A. Density

1. If a Floating zone is recommended in a master plan, density must not exceed that recommendation.
2. If a Floating zone is not recommended in a master plan, the following density limits apply:

Pre-Existing Euclidean Zone	Density Allowed		
	Maximum Total Density Allowed in FAR Based on Size of Tract in Acres		
	Less than 0.5 Acres	0.5 – 3.00 Acres	Greater than 3 Acres
RE-2, RE-2c, RE-1, R-200	0.75 FAR	1.0 FAR	1.25 FAR
R-90, R-60, R-40, TLD, TMD, THD	1.0	1.25	1.5
R-30, R-20, R-10	1.25	1.5	1.75
CRN	1.0	1.25	1.5
CRT	2.0	3.0	4.0
CR	4.0	6.0	8.0
Employment	2.0	3.0	4.0
IL, IM	0.75	1.0	1.5

3. An applicant may limit density below the maximum allowed by Section 5.4.5.A to support the necessary findings of approval under Section 8.2.1.

#### B. Setback and Height

1. If a Floating zone is recommended in a master plan, height must not exceed that recommendation.
2. Maximum height and setbacks are established by the floating zone plan.

3. Height must satisfy the compatibility standards for the applicable building type under Section 4.1.6.B.

### C. Lot Size

Minimum lot sizes are established by the floating zone plan.

### D. Coverage

~~The minimum open space is the minimum open space required for the Euclidean zone that establishes uses under Section 5.4.2.A for each applicable building type.~~

### D. General Requirements

1. Parking, recreation facilities, screening, and landscaping must be provided under Article 59-7 as required for the Euclidean zone that establishes uses under Section 5.4.3.
2. Open Space
  - a. ~~If no public benefits are required under Section 5.4.4.E, Public~~ open space must be provided under Article 59-4 (for standard method) as required for the Euclidean zone that establishes uses under Section 5.4.3.
  - b. If public benefits are required under Section 5.4.4.E, open space must be provided under Article 59-6 (for optional method) as required for the Euclidean zone that establishes uses under Section 5.4.3.
3. The floating zone plan may provide for additional parking, open space, recreation facilities, screening, or landscaping or further restrict lighting to allow the District Council to make the necessary findings of approval under Section 8.2.1.

### E. Public Benefits

#### 1. Public Benefits Required

- a. Development above 1.0 FAR in the EOFF zone requires public benefits.
- b. Development above 0.5 FAR in the LSCF zone requires public benefits.
- c. When public benefits are required by development in the Employment Floating zones, a sketch plan must be submitted under Section 8.3.3.

### 2. Public Benefit Points and Categories Required

- a. Public benefits under Division 6.6 must be provided according to zone and tract size or maximum total mapped FAR, whichever requires more public benefit points:

Zone	Tract Size OR Max Total FAR	Public Benefit Points (min)	Number of Benefit Categories (min)
LSCF	< 10,000 SF OR < 1.0 max FAR	15	1
	10,000 SF to < 1,250,000 SF OR 1.0 to < 1.75 max FAR	30	2
	≥ 1,250,000 SF OR ≥ 1.75 max FAR	40	3
EOFF	< 10,000 SF OR < 1.5 max FAR	30	2
	10,000 SF to < 1,250,000 SF OR 1.5 to < 3.5 max FAR	60	3
	≥ 1,250,000 SF OR ≥ 3.5 max FAR	75	4

- b. In the LSCF zone, the purchase of BLTs is required under Section 6.6.3.F.1.b.

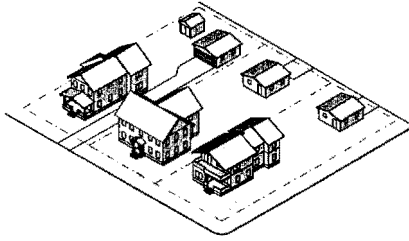
Recent Local Map Amendment Summary (minor amendments excluded):

Opinion #	Existing Zone	New Zone	Abut/Confront Detach- Residential	Transitional	MP Recommendation
G-881	RE-2	PRC	Y	N	N
G-913	R-60	C-T	Y	Y	Y
G-851	R-90	O-M	Y	Y	N
G-908	R-60	TS-R	Y	Y	N
G-909	R-10	PD-100	Y	Y	only part of the site
G-862/863	RT-12.5, R-30, O-M	TS-R	Y	N	only part of the site
G-892	R-60	RT-12.5	Y	Y (b/w res. and se's)	N
SDPA 11-3 (G-619)	R-60	O-M	Y	Y	N
DPA 11-4 (G-861)	C-4	PD-44	Y	Y	N
DPA 11-1 (G-735/784)	R-200	PD-4	N (part of larger PD rezoning)	Y	Y
G-907	I-1	RT-15	Y	Y	Y
DPA 05-2 (G-540)	R-60	C-T	Y	Y	Y
G-876	R-60	TS-R	Y	Y	N
G-864	R-60	PD-44	Y	Y	Y
G-879	R-60	RT-8	Y	Y	N (MP rec. PD-9)
G-885	R-200	PD-3	Y	N	Y
G-878	C-1	RT-12.5	Y	Y	N
G-884	RE-2	PD-2	Y	N	Y
DPA 09-1 (G-813/814)	R-200	PD-2	Y	N	Y
SDPA 08-2 (G-627)	C-T, C-1, C-2	O-M	Y	Y	Y (confirmed OM)
G-865/DPA 07-3 (G-779)	R-60	TS-R	Y	Y	Y
G-875	R-90	PD-35	Y	Y	Y
G-873	R-30, C-O	PD-28	Y	Y	N
G-874	R-200	O-M	Y	Y	N
G-866	R-90	O-M	Y	N	N
G-860	C-2	TS-M	N	N	Y

\*Transitional = between commercial & residential zoning or multi-family/townhouse & residential zoning

### Section 4.1.3. Building Types in the Agricultural, Rural Residential, and Residential Zones

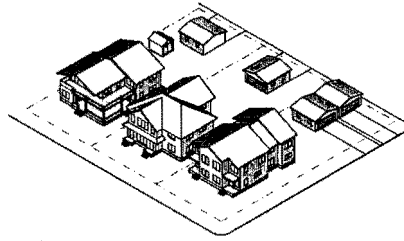
Building types regulate the form of development allowed within each zone. The building type only determines the applicable development standards. All graphic depictions of building types are for illustrative purposes only and are not meant to limit or exclude other designs.



#### A. Detached House

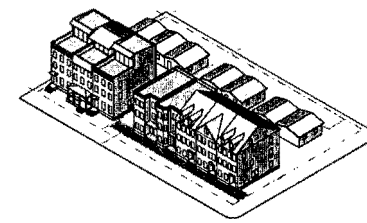
A detached house is a building containing one dwelling unit that may contain ancillary nonresidential uses, such as a Home Occupation or Family Day Care. An existing detached house building type may be used entirely for a nonresidential use if:

1. The detached house is a minimum of 3 years old when an applicant files for a use-and-occupancy permit for the nonresidential use;
2. Expansions of the existing detached house are limited to a maximum of 500 square feet and restricted to improvements required by the Fire Marshall or ADA regulations; and
3. The building and site retain the exterior appearance of a detached house;
4. Parking and parking setbacks are accommodated on-site.



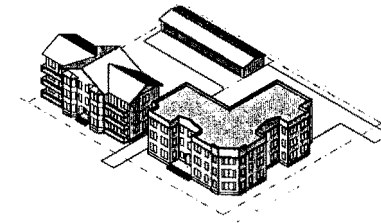
#### B. Duplex

A duplex is a building containing 2 principal dwelling units that may contain ancillary nonresidential uses, such as a Home Occupation or Family Day Care.



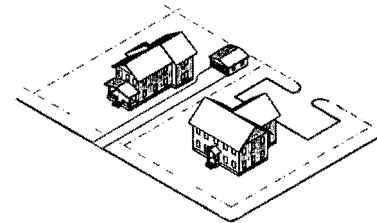
#### C. Townhouse

A townhouse is a building containing 3 or more dwelling units where each dwelling unit is separated vertically by a party wall. A townhouse may contain ancillary nonresidential uses, such as a Home Occupation or Family Day Care.



#### D. Apartment

An apartment is a building containing 3 or more dwelling units vertically and horizontally arranged. An apartment may contain up to 10% of the gross floor area as Retail/Service Establishment uses, otherwise it is a multi use building.



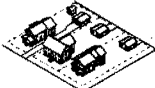
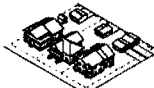
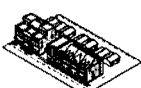

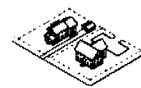
#### E. Nonresidential Building

A nonresidential building is a building that accommodates only the permitted, limited, and conditional uses allowed in the applicable zone under Article 59-3, Uses and Use Standards. A nonresidential building has limits on FAR, larger setbacks, parking restrictions, and may have additional screening requirements.



### Section 4.1.4. Building Types Allowed by Zone in the Agricultural, Rural Residential, and Residential Zones

In the Agricultural, Rural Residential, and Residential zones, building types are allowed by zone as follows:

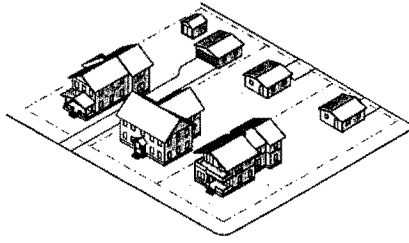
	 Detached House	 Duplex	 Townhouse	 Apartment	 Nonresidential Building
<b>Agricultural Zone</b>					
Agricultural Reserve (AR)	A	--	--	--	A
<b>Rural Residential Zones</b>					
Rural (R)	A	--	--	--	A
Rural Cluster (RC)	A	--	--	--	A
Rural Neighborhood Cluster (RNC)	A	A	A	--	A
<b>Residential Detached Zones</b>					
Residential Estate - 2 (RE-2)	A	TDR	TDR	TDR	A
Residential Estate - 2C (RE-2C)	A	MPDU	MPDU	--	A
Residential Estate - 1 (RE-1)	A	MPDU	MPDU	--	A
Residential - 200 (R-200)	A	MPDU, TDR	MPDU, TDR	TDR	A
Residential - 90 (R-90)	A	MPDU, CD, TDR	MPDU, CD, TDR	TDR	A
Residential - 60 (R-60)	A	MPDU, CD, TDR	MPDU, CD, TDR	TDR	A
Residential - 40 (R-40)	A	A	MPDU	--	A
<b>Residential Townhouse Zones</b>					
Townhouse Low Density (TLD)	A	A	A	--	A
Townhouse Medium Density (TMD)	A	A	A	--	A
Townhouse High Density (THD)	A	A	A	--	A
<b>Residential Multi-Unit Zones</b>					
Residential Multi-Unit Low Density - 30 (R-30)	A	A	A	A	A
Residential Multi-Unit Medium Density - 20 (R-20)	A	A	A	A	A
Residential Multi-Unit High Density - 10 (R-10)	A	A	A	A	A

**KEY:** A = Allowed to accommodate permitted, limited, and conditional uses  
MPDU = Allowed as part of an Optional Method MPDU Development under Division 6.1  
-- = Not allowed

CD = Allowed as part of an Optional Method Cluster Development under Division 6.2  
TDR = Allowed as part of Optional Method TDR Development under Division 6.3

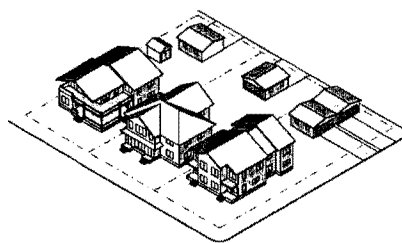
### **Section 4.1.5. Building Types in the Commercial/Residential, Employment, and Industrial Zones**

Building types regulate the form of development allowed within each zone. The building type only determines the applicable development standards. All graphic depictions of building types are for illustrative purposes only and are not meant to limit or exclude other designs.



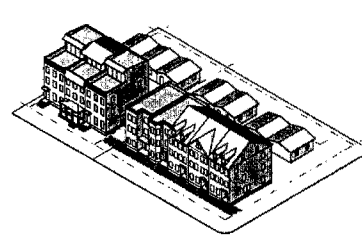
#### **A. Detached House**

A detached house is a building containing one dwelling unit that may contain ancillary nonresidential uses, such as a Home Occupation or Family Day Care.



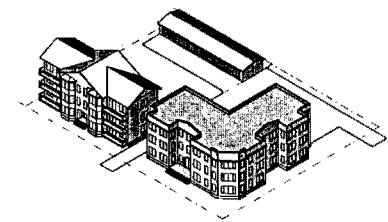
#### **B. Duplex**

A duplex is a building containing 2 principal dwelling units that may contain ancillary nonresidential uses, such as a Home Occupation or Family Day Care.



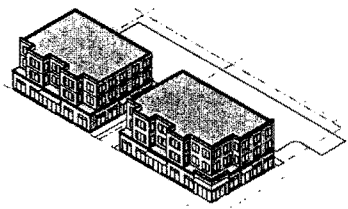
#### **C. Townhouse**

A townhouse is a building containing 3 or more dwelling units where each dwelling unit is separated vertically by a party wall. A townhouse may contain ancillary nonresidential uses, such as a Home Occupation or Family Day Care.



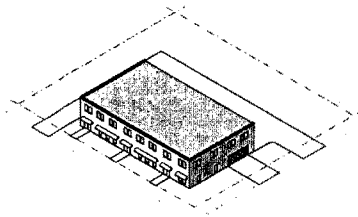
#### **D. Apartment**

An apartment is a building containing 3 or more dwelling units vertically and horizontally arranged. An apartment may contain up to 10% of the gross floor area as Retail/Service Establishment uses, otherwise it is a multi use building.



#### **E. Multi Use Building**

A multi use building is a building with Retail/Service Establishments along the majority of the ground floor facing any street or open space and other nonresidential uses or residential uses above.

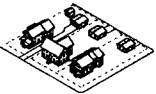
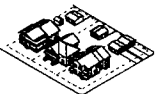
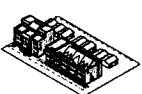

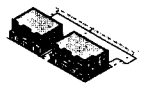
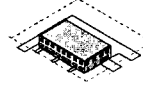


#### **F. General Building**

A general building is a building typically containing nonresidential uses including office, commercial, industrial, civic and institutional, or public uses.

### Section 4.1.6. Building Types Allowed by Zone in the Commercial/Residential, Employment, and Industrial Zones

In the Commercial/Residential, Employment, and Industrial zones, building types are allowed by zone as follows:

	 Detached House	 Duplex	 Townhouse	 Apartment	 Multi Use Building	 General Building
<b>Commercial/Residential Zones</b>						
CR Neighborhood (CRN)	A	A	A	A	A	A
CR Town (CRT)	A	A	A	A	A	A
CR (CR)	A	A	A	A	A	A
<b>Employment Zones</b>						
General Retail (GR)	A	A	A	A	A	A
Neighborhood Retail (NR)	A	A	A	A	A	A
Life Science Center (LSC)	A	A	A	A	A	A
Employment Office (EOF)	A	A	A	A	A	A
<b>Industrial Zones</b>						
Light Industrial (IL)	--	--	--	--	A	A
Moderate Industrial (IM)	--	--	--	--	A	A
Heavy Industrial (IH)	--	--	--	--	A	A

KEY: A = Allowed to accommodate permitted, limited, and conditional uses -- = Not allowed

## Section 4.4.8. R-60 Zone, Standard Method Development Standards

B. Lot and Density	Detached House	Nonresidential
<b>Lot (min)</b>		
Lot area	6,000 SF	6,000 SF
Lot width at front building line	60'	n/a
Lot width at front lot line	25'	60'
<b>Density (max)</b>		
Density (units/acre)	7.26	n/a
Density (FAR per tract)	n/a	0.75
<b>Coverage (max)</b>		
Lot	35%	35%

**Specification for Lot and Density**

- 1 Lot width at the front building line and setback requirements may be reduced under Section 4.4.2.B.
- 2 Development with a detached house building type may have to satisfy Section 4.4.3, Residential Infill Compatibility.
- 3 The lot coverage maximum does not apply to Religious Assembly.

**C. Placement**

<b>Principal Building Setbacks (min)</b>		
Front setback	25'	30'
Side street setback	15'	15'
Side setback, abutting Agricultural, Rural Residential, or Residential zones	8'	See Section 4.1.6.A
Side setback, abutting all other zones	8'	8'
Sum of side setbacks	18'	18'
Rear setback, abutting Agricultural, Rural Residential, or Residential zones	20'	See Section 4.1.6.A
Rear setback, abutting all other zones	20'	15'
Rear setback, alley	n/a	4'

**Specification for Principal Building Setbacks**

- 1 Development may have to satisfy Section 4.4.2.C, Established Building Line.

<b>Accessory Structure Setbacks (min)</b>		
Front setback	60'	60'
Side street setback	15'	15'
Side setback	5'	5'
Rear setback	5'	5'
Rear setback, alley	n/a	4'

C. Placement	Detached House	Nonresidential
--------------	----------------	----------------

**Specifications for Accessory Structure Setbacks**

- 1 In addition to the front setback minimum, any accessory structure must be located behind the rear building line of the principal building.  
For any accessory structure with a height greater than 15', the minimum side and rear setback must be increased at a ratio of 2' of additional setback for each foot of height in excess of 15'.
- 2 For any accessory structure with a length along a rear or side lot line that is longer than 24', the minimum side or rear setback must be increased at a ratio of 2' for every 2' that the dimension exceeds 24 linear feet. A swimming pool is exempt from this limit.

**Parking Setbacks for Surface Parking Lots (min)**

Front setback	n/a	10'
Side street setback	n/a	10'
Side setback	n/a	10'
Rear setback	n/a	10'
Rear setback, alley	n/a	0'

**D. Height**

<b>Height (max)</b>		
Principal building, measured to highest point of a flat roof	35'	35'
Principal building, measured to mean height between the eaves and ridge of a gable, hip, mansard, or gambrel roof	30'	30'
Accessory structure	20'	20'
Agricultural building	50'	50'

**Specification for Height**

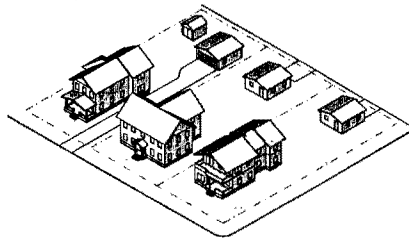
- 1 In development with a detached house building type height may be increased to 40' if approved by the Planning Board in a site plan under Section 8.3.4.

**E. Form**

<b>Allowed Building Elements</b>		
Gallery/Awning	n/a	yes
Porch/Stoop	yes	yes
Balcony	yes	yes

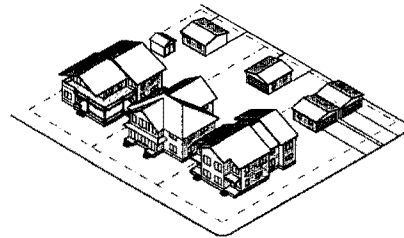
### Section 4.1.3. Building Types in the Agricultural, Rural Residential, and Residential Zones

Building types regulate the form of development allowed within each zone. The building type only determines the applicable development standards. All graphic depictions of building types are for illustrative purposes only and are not meant to limit or exclude other designs.



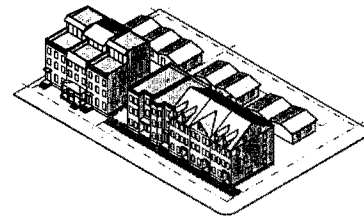
#### A. Detached Building

A detached building is a detached house containing one dwelling unit, or a building that accommodates only the permitted, limited, and conditional uses allowed in the applicable zone under Article 59-3, Uses and Use Standards.



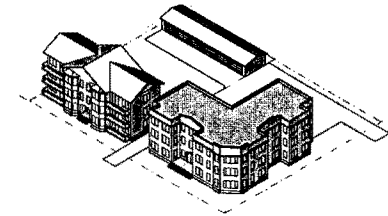
#### B. Duplex

A duplex is a building containing 2 principal dwelling units that may contain ancillary nonresidential uses, such as a Home Occupation or Family Day Care.



#### C. Townhouse

A townhouse is a building containing 3 or more dwelling units where each dwelling unit is separated vertically by a party wall. A townhouse may contain ancillary nonresidential uses, such as a Home Occupation or Family Day Care.



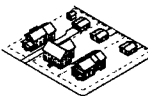
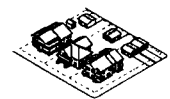
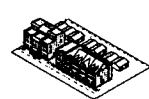
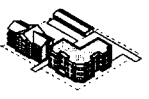
#### D. Apartment

An apartment is a building containing 3 or more dwelling units vertically and horizontally arranged. An apartment may contain up to 10% of the gross floor area as Retail/Service Establishment uses, otherwise it is a multi use building.

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### Section 4.1.4. Building Types Allowed by Zone in the Agricultural, Rural Residential, and Residential Zones

In the Agricultural, Rural Residential, and Residential zones, building types are allowed by zone as follows:

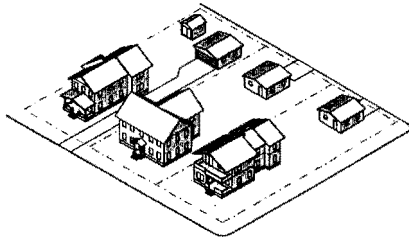
	 <b>Detached Building</b>	 <b>Duplex</b>	 <b>Townhouse</b>	 <b>Apartment</b>
<b>Agricultural Zone</b>				
Agricultural Reserve (AR)	A	--	--	--
<b>Rural Residential Zones</b>				
Rural (R)	A	--	--	--
Rural Cluster (RC)	A	--	--	--
Rural Neighborhood Cluster (RNC)	A	A	A	--
<b>Residential Detached Zones</b>				
Residential Estate - 2 (RE-2)	A	TDR	TDR	TDR
Residential Estate - 2C (RE-2C)	A	MPDU	MPDU	--
Residential Estate - 1 (RE-1)	A	MPDU	MPDU	--
Residential - 200 (R-200)	A	MPDU, TDR	MPDU, TDR	TDR
Residential - 90 (R-90)	A	MPDU, CD, TDR	MPDU, CD, TDR	TDR
Residential - 60 (R-60)	A	MPDU, CD, TDR	MPDU, CD, TDR	TDR
Residential - 40 (R-40)	A	A	MPDU	--
<b>Residential Townhouse Zones</b>				
Townhouse Low Density (TLD)	A	A	A	--
Townhouse Medium Density (TMD)	A	A	A	--
Townhouse High Density (THD)	A	A	A	--
<b>Residential Multi-Unit Zones</b>				
Residential Multi-Unit Low Density - 30 (R-30)	A	A	A	A
Residential Multi-Unit Medium Density - 20 (R-20)	A	A	A	A
Residential Multi-Unit High Density - 10 (R-10)	A	A	A	A

**KEY:** A = Allowed to accommodate permitted, limited, and conditional uses  
MPDU = Allowed as part of an Optional Method MPDU Development under Division 6.1  
-- = Not allowed

CD = Allowed as part of an Optional Method Cluster Development under Division 6.2  
TDR = Allowed as part of Optional Method TDR Development under Division 6.3

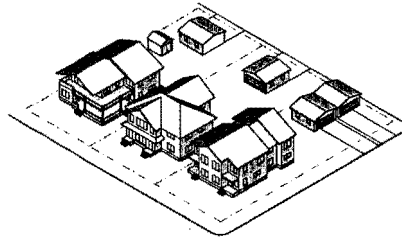
### **Section 4.1.5. Building Types in the Commercial/Residential, Employment, and Industrial Zones**

Building types regulate the form of development allowed within each zone. The building type only determines the applicable development standards. All graphic depictions of building types are for illustrative purposes only and are not meant to limit or exclude other designs.



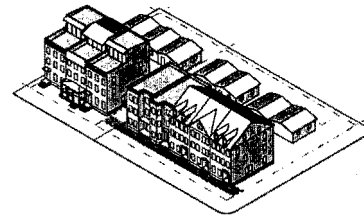
#### **A. Detached House**

A detached house is a building containing one dwelling unit that may contain ancillary nonresidential uses, such as a Home Occupation or Family Day Care.



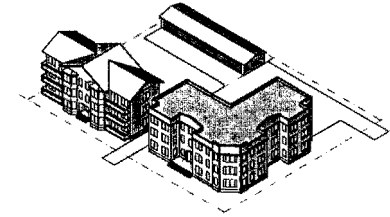
#### **B. Duplex**

A duplex is a building containing 2 principal dwelling units that may contain ancillary nonresidential uses, such as a Home Occupation or Family Day Care.



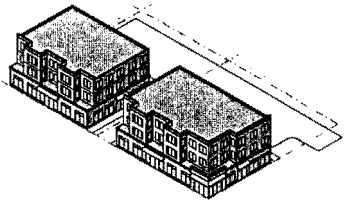
#### **C. Townhouse**

A townhouse is a building containing 3 or more dwelling units where each dwelling unit is separated vertically by a party wall. A townhouse may contain ancillary nonresidential uses, such as a Home Occupation or Family Day Care.



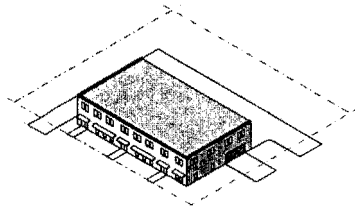
#### **D. Apartment**

An apartment is a building containing 3 or more dwelling units vertically and horizontally arranged. An apartment may contain up to 10% of the gross floor area as Retail/Service Establishment uses, otherwise it is a multi use building.



#### **E. Multi Use Building**

A multi use building is a building with Retail/Service Establishments along the majority of the ground floor facing any street or open space and other nonresidential uses or residential uses above.



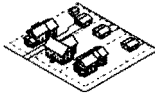
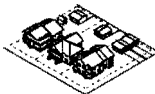
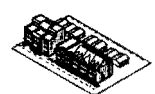


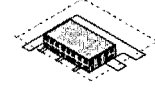
#### **F. General Building**

A general building is a building typically containing nonresidential uses including office, commercial, industrial, civic and institutional, or public uses.

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### Section 4.1.6. Building Types Allowed by Zone in the Commercial/Residential, Employment, and Industrial Zones

In the Commercial/Residential, Employment, and Industrial zones, building types are allowed by zone as follows:

	 Detached House	 Duplex	 Townhouse	 Apartment	 Multi Use Building	 General Building
<b>Commercial/Residential Zones</b>						
CR Neighborhood (CRN)	A	A	A	A	A	A
CR Town (CRT)	A	A	A	A	A	A
CR (CR)	A	A	A	A	A	A
<b>Employment Zones</b>						
General Retail (GR)	A	A	A	A	A	A
Neighborhood Retail (NR)	A	A	A	A	A	A
Life Science Center (LSC)	A	A	A	A	A	A
Employment Office (EOF)	A	A	A	A	A	A
<b>Industrial Zones</b>						
Light Industrial (IL)	--	--	--	--	A	A
Moderate Industrial (IM)	--	--	--	--	A	A
Heavy Industrial (IH)	--	--	--	--	A	A

KEY: A = Allowed to accommodate permitted, limited, and conditional uses -- = Not allowed



## Section 4.4.8. R-60 Zone, Standard Method Development Standards

B. Lot and Density	Detached Building
<b>Lot (min)</b>	
Lot area	6,000 SF
Lot width at front building line	60'
Lot width at front lot line	25'
<b>Density (max)</b>	
Density (units/acre)	7.26
Density (FAR per tract)	n/a
<b>Coverage (max)</b>	
Lot	35%

**Specification for Lot and Density**

- 1 Lot width at the front building line and setback requirements may be reduced under Section 4.4.2.B.
- 2 Development with a detached house building type may have to satisfy Section 4.4.3, Residential Infill Compatibility.
- 3 The lot coverage maximum does not apply to Religious Assembly.

**C. Placement**

<b>Principal Building Setbacks (min)</b>	
Front setback	25'
Side street setback	15'
Side setback, abutting Agricultural, Rural Residential, or Residential zones	8'
Side setback, abutting all other zones	8'
Sum of side setbacks	18'
Rear setback, abutting Agricultural, Rural Residential, or Residential zones	20'
Rear setback, abutting all other zones	20'
Rear setback, alley	n/a

**Specification for Principal Building Setbacks**

- 1 Development may have to satisfy Section 4.4.2.C, Established Building Line.

<b>Accessory Structure Setbacks (min)</b>	
Front setback	60'
Side street setback	15'
Side setback	5'
Rear setback	5'
Rear setback, alley	n/a

C. Placement	Detached Building
<b>Specifications for Accessory Structure Setbacks</b>	
1	In addition to the front setback minimum, any accessory structure must be located behind the rear building line of the principal building.
2	For any accessory structure with a height greater than 15', the minimum side and rear setback must be increased at a ratio of 2' of additional setback for each foot of height in excess of 15'.
3	For any accessory structure with a length along a rear or side lot line that is longer than 24', the minimum side or rear setback must be increased at a ratio of 2' for every 2' that the dimension exceeds 24 linear feet. A swimming pool is exempt from this limit.

**Parking Setbacks for Surface Parking Lots (min)**

Front setback	n/a
Side street setback	n/a
Side setback	n/a
Rear setback	n/a
Rear setback, alley	n/a

**D. Height**

<b>Height (max)</b>	
Principal building, measured to highest point of a flat roof	35'
Principal building, measured to mean height between the eaves and ridge of a gable, hip, mansard, or gambrel roof	30'
Accessory structure	20'
Agricultural building	50'

**Specification for Height**

- 1 In development with a detached house building type height may be increased to 40' if approved by the Planning Board in a site plan under Section 8.3.4.

**E. Form**

<b>Allowed Building Elements</b>	
Gallery/Awning	n/a
Porch/Stoop	yes
Balcony	yes